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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION
12

13 UNITED STATES OF AMERICA,) NO. 4-20-70327 MAG
14 Plaintiff,)
15 v.) STIPULATION AND [PROPOSED] ORDER TO
16 GABRIEL GONZALES,) CONTINUE STATUS CONFERENCE, EXCLUDE
17 Defendant.) TIME, AND EXTEND THE DEADLINES UNDER
) THE SPEEDY TRIAL ACT AND FED R. CRIM. P.
) 5.1
)
)

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19 It is hereby stipulated by and between counsel for the United States and counsel for the
20 defendant, Gabriel Gonzales, that the status hearing scheduled for February 10, 2021 at 1 p.m. be
21 rescheduled for March 3, 2021. The parties are also exploring a resolution of the case.

22 Based on the foregoing, the parties stipulate and agree that excluding time from February 10,
23 2021 until March 3, 2021 will allow for the effective preparation of counsel. *See* 18 U.S.C.
24 § 3161(h)(7)(B)(iv). The parties further stipulate and agree that the ends of justice served by excluding
25 the time from February 10, 2021 until March 3, 2021 from computation under the Speedy Trial Act
26 outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A),
27 (B)(iv).

28 The parties further stipulate that, with the consent of the defendant, there is good cause for

1 extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for
2 extending the 30-day time period for an indictment under the Speedy Trial Act. *See* Fed. R. Crim. P.
3 5.1; 18 U.S.C. § 3161(b).

4 The undersigned Assistant United States Attorney certifies that he has obtained approval from
5 counsel for the defendant to file this stipulation and proposed order.

6 IT IS SO STIPULATED.

7 DATED: February 9, 2021

/s/ Joseph Tartakovsky

JOSEPH TARTAKOVSKY

Assistant United States Attorney

9 DATED: February 9, 2021

/s/ Julia Jayne

JULIA JAYNE

Counsel for Defendant Gabriel Gonzales

~~[PROPOSED]~~ ORDER

Based upon the facts set forth in the stipulation of the parties and for good cause shown, the Court reschedules the status hearing scheduled for February 10, 2021 at 1 p.m. and schedules a status hearing for March 3, 2021.


The Court further finds that failing to exclude the time from February 10, 2021 until March 3, 2021 would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from February 10, 2021 until March 3, 2021 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial.

For the same reasons, the Court finds good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time period for an indictment under the Speedy Trial Act. *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161.

Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from February 10, 2021 until March 3, 2021 shall be excluded from computation under the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1. 18 U.S.C. § 3161(h)(7)(A), (B)(iv); Fed R. Crim. P. 5.1(d).

IT IS SO ORDERED.

DATED: February 9, 2021


VIRGINIA K. DEMARCHI
United States Magistrate Judge